IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Jeffrey Nool et al.
Appl. No.	:	10/612,719
Filed	:	July 02, 2003
For	:	DEVICES AND METHODS FOR ASPIRATING FROM FILTERS
Examiner	:	Christopher D. Koharski
Group Art Unit	:	3763

DECLARATION OF MUKUND PATEL PURSUANT TO 37 C.F.R. § 1.131

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This declaration is to establish an invention date of embodiments claimed in the above-captioned patent application before September, 11, 2002, the filing date of U.S. Publication No. 2004/0049225 A1 to Denison.

I, Mukund Patel, do declare as follows:

1. I have reviewed the pending claims of above-captioned patent application and I am an inventor of the subject matter recited in the pending claims. I also am familiar with the prosecution of the application.

2. I am advised by attorneys prosecuting the application that Claims 1-7, 9, and 10 of the present application were rejected in the November 27, 2006 Office Action based on Denison (U.S. Publication No. 2004/0049225 A1), either alone or in combination with Bagaoisan et al. (U.S. Patent No. 6,152,909).

3. I believe that the facts set forth below and in the attached Exhibit show the invention claimed in this application was conceived and reduced to practice by me and my co-inventor Jeffry Nool prior to the September 11, 2002 filing date of the Denison reference.

4. The Exhibit includes sketches and notes from page 93 of my laboratory notebook, Book No. 81, disclosing an aspiration catheter. The aspiration catheter depicted in the top sketch on page 93 has an elongate catheter body with proximal and distal ends. Further, as noted below the sketch, the aspiration catheter has an aspiration lumen that extends through the elongate catheter

body. At the distal end of the aspiration lumen, an aspiration port for aspirating particles is shown. The aspiration port is shown with an angled tip.

5. Above the sketch, I labeled the guide wire lumen. As the sketch demonstrates, the guidewire lumen extends through at least a portion of the elongate catheter body. In the embodiment illustrated in the sketch, the guidewire lumen is located only along a portion of the distal end portion of the elongate catheter body. Further, a filter shaft is shown extending through the guidewire lumen. This position of the filter shaft relative to the guidewire lumen would be achieved by slidably receiving the filter shaft within the guidewire lumen. In use in a patient, the filter shaft acts as a guidewire in that it permits the aspiration catheter to track over the shaft from the proximal end to the position illustrated in the upper sketch on page 93. The upper sketch also shows that the elongate catheter body has a distal segment wherein the aspiration lumen extends beyond the distal end, or port, of the guidewire lumen.

6. The date of the upper sketch on page 93 and accompanying notes is prior to the September 11, 2002 filing date of the Denison reference. All dates have been redacted.

7. A prototype of the aspiration catheter illustrated in the Exhibit was built and tested in the United States of America prior to the September 11, 2002 filing date of the Denison reference.

8. A prototype that was built and tested was constructed with an aspiration lumen that extended beyond the distal end of the guidewire lumen by a distance between about 2 mm and about 30 mm.

9. I do not currently know the location of my co-inventor Jeffrey Nool and I do not have any way to contact him.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 4/27/2007 By: 
Mukund Patel

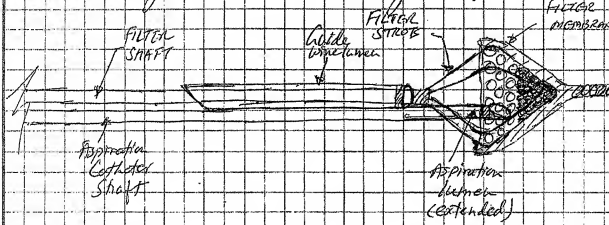
3662967_1 // 042507

EXHIBIT

From Page No.

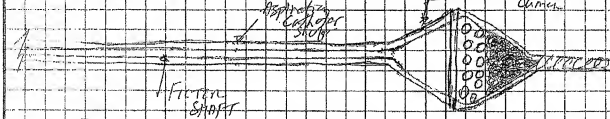
Aspiration Method with Filters

A. Aspirating with Filter Partially clogged.



Method:

1. Load Aspiration Catheter over the Filter Shaft.
2. Position Aspiration Catheter with lumen Vial distal marker proximal to the filter device marker.
3. The Aspiration lumen marker is positioned inside the filter membrane.
4. Open aspiration syringe valve to activate aspiration while keeping the Aspiration Catheter stationary.
5. Close the aspiration syringe valve to stop the aspiration.
6. Remove the Aspiration Catheter.



B. DOCKING-TYPE Aspiration Catheter

To Page No.

Witnessed & Understood by me,

Invented by

Recorded by